

New Zealand.



ANALYSIS.

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| <p style="margin: 0;">Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Amending provisions as to payment of interest out of Land for Settlements Account to Consolidated Fund. 3. Authorizing surrender of existing licenses to occupy land, pending completion of purchase, in exchange for new licenses. 4. Authorizing postponement of instalments of principal in respect of deferred payment licenses. 5. Further extension of time within which owners of certain leases in perpetuity may acquire fee-simple. Repeal. | <ol style="list-style-type: none"> 6. Temporary provision for extension of licenses for occupation with right of purchase. Consequential repeals. 7. Section 5 of Land for Settlements Amendment Act, 1927, amended. 8. Operation of section 216 of Land Act, 1924 (relating to revaluations), and of certain dependent sections revived. 9. Amending provisions for fixing rent of new pastoral licenses issued under section 277 of Land Act, 1924. 10. Amending sections 49 and 105 of the Land for Settlements Act, 1925. |
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1935, No. 25.

Title.

AN ACT to amend the Law relating to Crown and other Lands. [26th October, 1935.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Land Laws Amendment Act, 1935.

2. (1) Section thirteen of the Land Laws Amendment Act, 1926, is hereby amended, as from the passing of that Act, by adding to subsection one the following proviso:—

“ Provided that where under any appropriation by Parliament or other lawful authority any capital moneys received from the sale of Crown lands and paid into the Land for Settlements Account as aforesaid are thereafter paid out of that Account, the amount so paid out of the said Account shall be deducted from the sum on which interest would otherwise be payable into the Consolidated Fund in accordance with this section.”

(2) Section thirteen of the Land Laws Amendment Act, 1930, is hereby amended, as from the passing of that Act, by adding thereto the following proviso:—

“ Provided also that where under any appropriation by Parliament or other lawful authority any capital moneys received from the sale of national-endowment land and paid into the Land for Settlements Account pursuant to the last preceding section are thereafter paid out of that Account, the amount so paid out of the said Account shall be deducted from the sum on which interest would otherwise be payable into the Consolidated Fund in accordance with this section.”

(3) Any adjustment rendered necessary by this section as between the Land for Settlements Account and the Consolidated Fund in respect of interest heretofore paid shall be made without further authority than this section.

3. (1) This section applies with respect to lands that, being subject to the Land Act, 1924, or the Land for Settlements Act, 1925, or the Discharged Soldiers Settlement Act, 1915, or having been acquired by the Crown and disposed of under the Native Townships Act, 1910, or under section sixty of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, are held under a license to occupy the same pending the purchase thereof on a system of deferred payments extending over a period of thirty-four and a half years (whether such license is in force on the passing of this Act or is hereafter granted).

(2) Any owner of a license to occupy any lands to which this section applies may, on the recommendation

Amending provisions as to payment of interest out of Land for Settlements Account to Consolidated Fund.
See Reprint of Statutes, Vol. IV, pp. 847, 919

Authorizing surrender of existing licenses to occupy land, pending completion of purchase, in exchange for new licenses.

of the Board and the approval of the Minister, and with the consent in writing of the encumbrancers (if any), surrender his license and obtain in exchange therefor a new license for a further period of thirty-four and a half years.

(3) The term of every such new license shall be computed from the first day of January or the first day of July, as the case may be, next after the date of surrender.

(4) The purchase-money payable under the new license shall be the balance of the purchase-money under the surrendered license outstanding at the date of surrender:

Provided that any amount outstanding in respect of interest at the date of the commencement of the term of the new license may, on the recommendation of the Board and the approval of the Minister, be added to and form part of the purchase-money under the new license.

(5) The new license shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) affecting the surrendered license; and the District Land Registrar shall record on the new license all such encumbrances, liens, and interests accordingly in the order of their registered priority.

(6) Except as hereinbefore provided, the new license shall be subject to the same terms and conditions, with such modifications as may be necessary, as the surrendered license.

4. (1) This section applies with respect to lands of the classes referred to in subsection one of the last preceding section, held under a license to occupy the same pending the purchase thereof on a system of deferred payments extending over a period of thirty-four and a half years (whether such license is in force on the passing of this Act or is hereafter granted by way of exchange under the last preceding section or otherwise).

(2) On the application of the licensee of any lands to which this section applies, the Minister, on the recommendation of the Board and with the consent in writing of the encumbrancers (if any), may postpone the due date of payment of any instalment of principal

Authorizing
postponement
of instalments
of principal
in respect
of deferred
payment
licenses.

and interest payable under any such license until the due date of any later instalment. The authority conferred by this subsection may be exercised in respect of any instalment notwithstanding that the due date of that instalment may have passed.

(3) In any such case all instalments subsequent to the instalment so postponed shall be deemed to be postponed for a like period, and the term of the license shall be deemed to be extended by that period:

Provided that the term of any license shall not be extended under this section for a period exceeding seven years.

(4) During any period in which, under the authority of this section, no instalment of principal and interest is payable, interest on the amount of principal moneys for the time being outstanding shall be due and payable by the licensee on the several dates on which instalments of principal and interest would have been payable if the power to postpone such instalments had not been exercised.

(5) On production to him of a certificate under the hand of the Commissioner, certifying that the term of any license has been extended in accordance with the foregoing provisions of this section, the District Land Registrar shall endorse on the license, and on the outstanding duplicate thereof, a memorial of such certificate.

5. (1) The right to acquire the fee-simple of the lands comprised in leases in perpetuity of settlement land conferred on the owners of such leases by section eighty-two of the Land for Settlements Act, 1925, and the corresponding right conferred on the owners of leases in perpetuity of rural lands in the Cheviot Estate by section two of the Land Laws Amendment Act, 1928, may be exercised by any such owner at any time not later than the thirty-first day of December, nineteen hundred and forty.

Further extension of time within which owners of certain leases in perpetuity may acquire fee-simple. See Reprint of Statutes, Vol. IV, pp. 833, 897

(2) Section eighty-two of the Land for Settlements Act, 1925, as amended by section eleven of the Land Laws Amendment Act, 1930, is hereby consequentially amended by substituting for the reference to the thirty-first day of December, nineteen hundred and thirty-five, a reference to the thirty-first day of December, nineteen hundred and forty.

Repeal.

See Reprint
of Statutes,
Vol. IV, p. 847

Temporary
provision for
extension of
licenses for
occupation with
right of
purchase.

Ibid., p. 711

Ibid., p. 852

Consequential
repeals.

Section 5 of
Land for
Settlements
Amendment Act
1927, amended.

Cf. 1932,
No. 9, s. 5

Ibid., pp. 830,
922

(3) Section eleven of the Land Laws Amendment Act, 1930, is hereby consequentially repealed.

6. (1) Notwithstanding anything to the contrary in section one hundred and ninety-two of the Land Act, 1924, the Board may, with the approval of the Minister, extend for a period not exceeding seven years the term of any license granted under section one hundred and fifty-two of the Land Act, 1892, or under section one hundred and seventy-one of the Land Act, 1908, the term of which is due to expire at any time not later than the first day of January, nineteen hundred and forty-one. This section shall apply to any such license as aforesaid, notwithstanding that the term of such license may have been extended under the authority of section four of the Land Laws Amendment Act, 1931, or the corresponding provisions of any former Land Act.

(2) Where any license granted as aforesaid has expired, but the licensee has continued in possession of the land comprised therein, the term of the license may be extended under the last preceding subsection as if it had not expired.

(3) On receipt of a certificate under the hand of the Commissioner setting forth particulars of any extension of a license pursuant to this section the District Land Registrar shall endorse on the license and on the outstanding duplicate thereof a memorial of such certificate.

(4) Section four of the Land Laws Amendment Act, 1931, and section twenty-four of the Reserves and other Lands Disposal Act, 1933, are hereby consequentially repealed.

7. Section five of the Land for Settlements Amendment Act, 1927, is hereby amended by adding to subsection seven thereof the following proviso:—

“ Provided that the Minister, acting on the recommendation of the Board established under section thirteen of the Land Laws Amendment Act, 1927, on special grounds to be specified in such recommendation, may determine that this subsection shall not apply with respect to any land referred to in such recommendation or shall apply thereto as to part only of the amount otherwise required to be added to the capital value of such land.”

8. (1) Section thirteen of the Reserves and other Lands Disposal Act, 1932-33, section twenty-two of the Reserves and other Lands Disposal Act, 1933, and section three of the Reserves and other Lands Disposal Act, 1934, are hereby repealed, and the operation of sections two hundred and sixteen and two hundred and forty-six of the Land Act, 1924, and of sections eleven, twelve, and thirteen of the Land Laws Amendment Act, 1927, is hereby revived.

Operation of section 216 of Land Act, 1924 (relating to revaluations), and of certain dependent sections revived. See Reprint of Statutes, Vol. IV, pp. 723, 742, 828-830

(2) In computing with respect to any lease or license the period mentioned in subsection six of section two hundred and sixteen of the Land Act, 1924, no account shall be taken of the period elapsing between the tenth day of March, 1933 (being the date of the passing of the Reserves and other Lands Disposal Act, 1932-33), and the date of the passing of this Act.

9. (1) Section two hundred and seventy-seven of the Land Act, 1924, is hereby amended by omitting from subsection one the words "at such yearly rent as may be fixed by the Board with the approval of the Minister".

Amending provisions for fixing rent of new pastoral licenses issued under section 277 of Land Act, 1924.

(2) Where a new pastoral license is issued under the authority of section two hundred and seventy-seven of the Land Act, 1924, as amended by the foregoing provisions of this section, the rent payable under such license shall be fixed by the Minister, acting on the recommendation of the Board established under section thirteen of the Land Laws Amendment Act, 1927.

Ibid., p. 752

10. (1) Section forty-nine of the Land for Settlements Act, 1925, is hereby amended by omitting from subsection one the words "land acquired under this Act or any former Land for Settlements Act", and substituting the words "settlement land".

Ibid., p. 830

(2) Section one hundred and five of the Land for Settlements Act, 1925, is hereby amended by omitting from subsection one thereof the words "land acquired under this Act", and substituting the words "settlement land"; and by omitting from the same subsection the words "land acquired as aforesaid", and substituting the words "aforesaid settlement land".

Amending sections 49 and 105 of the Land for Settlements Act, 1925.

Ibid., p. 880

Ibid., p. 914